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Attorneys for Defendant  
NORMAN WIELSCH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, KELLEY O'TOOLE,  
STEVEN DANIEL LEE, JENNIFER LYNN  
CURTIS, and JACK FOSTER,

Plaintiffs,

v.

CITY OF ANTIOCH, ANTIOCH POLICE  
DEPARTMENT, JAMES HYDE CHIEF OF  
ANTIOCH POLICE DEPARTMENT,  
NORMAN WIELSCH, MICHAEL McGARY,  
LOUIS LOMBARDI, JOSHUA VINCELET,  
JAMES WISECARVER JR., STEVEN  
AIELLO, STEVEN BERGERHOUSE,  
CHRISTOPHER BUTLER, RONALD KRENZ,  
DANIELLE JOANNIDES, STEPHANIE A.  
CHALK, CAPTAIN LEONARD ORMAN,  
AND DOES 1 – 20, inclusive,

Defendants.

CASE NO.: CV 11 1502 PJH

**NOTICE OF TENDER OF SETTLEMENT  
PAYMENT AND REQUEST TO REMOVE  
OSC HEARING FROM CALENDAR;  
[Proposed] ORDER VACATING HEARING  
DATE AND DISMISSING CASE WITH  
PREJUDICE**

Pursuant to this Court's December 17, 2015 Order, the parties hereby notify the Court that defendant Norman Wielsch has tendered payment to plaintiffs in the form of a check for \$15,000.00, issued pursuant to the parties' Settlement Agreement. The parties therefore respectfully request that the Court take the OSC Hearing, scheduled for January 20, 2016 at 9:00 am, off calendar.

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LAW OFFICES OF  
GEARY,  
SHEA,  
O'DONNELL,  
GRATTAN &  
MITCHELL  
P.C.

1 RESPECTFULLY SUBMITTED.

2 DATE: January 19, 2016

LAW OFFICES OF TIM A. PORI

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4 By /s/ Tim A. Pori  
5 TIM A. PORI  
6 Attorney for Plaintiffs SEAN O'TOOLE,  
7 KELLEY O'TOOLE, STEVEN DANIEL  
8 LEE, JENNIFER LYNN CURTIS, and JACK  
9 FOSTER

10 DATE: January 19, 2016

GEARY, SHEA, O'DONNELL, GRATTAN &  
MITCHELL, P.C.

11 By /s/ Robert W. Henkels  
12 ROBERT W. HENKELS  
13 Attorneys for Defendant  
14 NORMAN WIELSCH

15 **ORDER OF THE UNITED STATES DISTRICT COURT**

16 Upon receipt the parties' notice that the settlement funds have been tendered on behalf of  
17 defendant Norman Wielsch, and in accordance with its December 17, 2015 Order, the Court hereby  
18 VACATES the OSC Hearing currently scheduled for January 20, 2016 at 9:00 am. This case is  
19 therefore hereby DISMISSED in its entirety with prejudice pursuant to the parties' settlement and  
20 this Court's Order of Dismissal, ECF No. 229.

21 **IT IS SO ORDERED.**

22 DATED: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

23  
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25  
26 LAW OFFICES OF  
27 GEARY,  
28 SHEA,  
O'DONNELL,  
GRATTAN &  
MITCHELL  
P.C.